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SUBJECT (Optional)
H.R. 4572, 'Public Printing Reorganization Act of 1979'

FROM Assistant Legislative Counsel		EXTENSION []	NO. []	STAT
TO: (Officer designation, room number, and building)		DATE 28 September 1979		STAT
		RECEIVED	FORWARDED	OFFICER'S INITIALS
OGC 7D07				
2. [], Chief, Executive and Planning Staff, FBIS 1013 Key				
3. [] DC/ISS 5B2830				
4. James H. McDonald				
5. []				
6. Chief, Printing & Photography Division 158 P & P Building				
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COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

Attached for your review and coordination is the Agency's views letter re subject legislation. Contact with the Subcommittee indicates that there is no intent notwithstanding the bill as drafted -- to cover CIA's printing operations or those of the Bureau of Engraving. As you will note, we are providing amendatory language to that effect.

Should you have any major substantial problem with the letter please let me know by phone before 4 PM Wednesday, 3 October [] If I don't hear from you by then I will assume you have no problems with the letter as drafted.

Honorable Augustus F. Hawkins, Chairman
Subcommittee on Printing
Committee on House Administration
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request for the views of the Central Intelligence Agency on H.R. 4572, the "Public Printing Reorganization Act of 1979."

Under the terms of Section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j(a)), the Agency is authorized, "[n]otwithstanding any other provisions of law . . .," to expend monies made available to it to carry out its functions including the "... purchase or rental and operation of photographic, reproduction, cryptographic, duplication and printing machines, equipment and devices" Pursuant to this authority, the Agency currently operates its own typesetting and printing systems, which operate in direct support of the CIA's foreign intelligence and counterintelligence mission. The Central Intelligence Agency's printing facilities produce intelligence analyses on issues of critical importance to foreign and national security policymakers. Printing support is also provided to the CIA's Directorate of Operations, the Agency's overseas operational component. The printed documents needed in Agency operations sometimes deal with the nation's most sensitive intelligence sources and methods. Some of these documents, while "classifiable," are of necessity not stamped with a classification designation, since any hint of U.S. Government involvement in the activity would compromise the effort and could imperil those involved. The vast majority of printing services provided by Agency facilities are thus of a highly sensitive nature. All Agency printing services personnel are security cleared Agency employees who have undergone rigorous security screening procedures.

The "Public Printing Reorganization Act of 1979" has as its primary focus the reorganization of the Government Printing Office (GPO) as an independent establishment "for the purpose of providing for public printing services and distribution of public documents." The term "public printing services" is very broadly defined in subsection 101(4). The operative effect of this broadly crafted definition, when read in conjunction with subsection 502(a), is to ostensibly include CIA printing activities within the purview of the Bill, thus creating a conflict of law issue and calling into question a fundamental authority of the Agency.

The subsection 101(3) definition of "public document," exempting printed matter that "is required for official administrative or operational purposes only and [printed matter that] is without public interest or educational value or is classified or designated under a statute or Executive Order as requiring a specific degree of protection against unauthorized disclosure for reasons of national defense or foreign policy," indicates that the drafters of H.R. 4572 did not intend for the Bill to cover CIA printing facilities. It would appear, however, that the definition is not dispositive of the issue, since the phrase "public document" relates only to the distribution of printed materials. Moreover, the definition of "printing" and the definition of "public printing services" are not limited to the production of "public documents."

Consequently, it is possible to interpret the Bill as intending that all of CIA's printing needs be provided by the GPO. Acceptance of such an interpretation would create vast security and administrative problems which would have a profoundly negative effect on the Central Intelligence Agency's ability to collect, analyze and disseminate vital intelligence information. Finally, the broad powers granted to the GPO under the terms of H.R. 4572 to oversee all Federal printing and Federal printing facilities as well as the procurement of printing equipment would constitute a serious encroachment into the Central Intelligence Agency's printing operations.

These problems would not be obviated by Section 502 of the Bill, because the GPO's authority to waive its statutory mandate appears to be limited. Section 502(a) provides that "all public printing services for the Government shall be provided through the Government Printing Office in accordance with [its] regulations" According to subparagraph 502(b)(1), these GPO regulations may specify that "when the

interest of the Government so requires, public printing services may be provided other than through the Government Printing Office for a period of limited duration." (emphasis added). Thus, even if the GPO regulations were such as to permit the CIA to continue to operate and control its own printing operations, the "for a period of limited duration" proviso in subparagraph 502(b)(1)(A) would preclude indefinite exemption of the Agency from the regulatory framework established by H.R. 4572.

We suggest that the following amendments to H.R. 4572 be made so as to make clear that the Bill is not intended to conflict with Section 8 of the CIA Act of 1949, nor to impact adversely on the Central Intelligence Agency's ability to carry out its assigned missions:

-- Subsection 502(a) should be amended as follows:

"(a) Except as provided in Section 901 of this title and in subsection (b) and in Section 403j(a), Title 50, United States Code, all public printing services for the Government shall be provided through the Government Printing Office in accordance with regulations prescribed by the Board."

-- A corresponding change might be made to the definition of "public printing services" found in Section 101(4) so that the definition would read as follows:

"(4) the term 'public printing services' means printing, binding, and related services (including procurement of printing equipment and operation of printing facilities) furnished in whole or in part at Government expense, but does not include printing services operated by or on behalf of the Central Intelligence Agency."

Section 504 of the Bill is also of concern. This Section specifies that "any material printed ... wholly or partially at Government expense shall bear the legend 'Produced at Government Expense.'" Printing of such a legend on Agency documents needed in support of intelligence operations could, for obvious reasons, prejudice the operation and those involved. Accordingly, it is recommended that Section 504 be amended to read as follows (delete portion in brackets; add underlined provisions):

"Any [material] public document printed or otherwise reproduced wholly or partially at public expense shall bear the legend 'Produced at Government Expense.'"

This would limit the §504 legend to "public documents," thus eliminating the possibility of any nonpublic document printed by or at the behest of the CIA from bearing such a legend.

We greatly appreciate the opportunity to comment on this legislation; and would be pleased to supply further clarification of CIA's position and recommended amendments.

The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the President's program.

Sincerely,

Frederick P. Hitz
Legislative Counsel